IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 23.03.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K.SAMPATHKUMAR

Writ Appeal No.1268 of 2001

Chellammal ... Appellant/ Petitioner

vs.

1. The State of Tamil Nadu
rep. by its Secretary to
Government,
Social Welfare Department,
Chennai-9.

2. The Special Tahsildar,
(Adi Dravida Welfare),
Thraiyur,
Trichy District. ... Respondents/ Respondents

Appeal under Clause 15 of the Letters Patent against the order of the learned single Judge (KGJ), dated 23.09.1998, made in W.P. No.14666 of 1998.

For Appellant : Mr.P.Srinivas
For Respondents: Mr.R.Vijayakumar,
Government Advocate.

J U D G M E N T

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above Writ Appeal has been filed against the order of the learned single Judge dated 23.09.1998, made in W.P. No.14666 of 1998, in and by which, the learned Judge, after finding that there was delay of 15 years in challenging the award, dismissed the Writ Petition.

2. Heard learned counsel for the appellant as well as learned Government Advocate for the respondents.

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3. It is not in dispute that when the acquisition proceedings were initiated under the Central Act for construction of houses for Adi Dravidas, the petitioner/appellant challenged the same before this Court in W.P. No.2821 of 1983. It is also not in dispute that the said Writ Petition was dismissed on 01.09.1983. Writ Appeal filed by her in W.A. No.1049 of 1983 was also dismissed on 11.06.1991. It is further seen that when the respondents tried to take possession of the land, the petitioner's husband filed a Writ Petition in W.P. No.10429 of 1998, challenging the award, which was also dismissed by this Court on 15.09.1998.

4. W.P. No.14666 of 1998, out of which the present Writ Appeal arises, has been filed questioning the same land acquisition proceedings, particularly passing of the award, on the ground that the petitioner/appellant was neither issued with notice before passing of the award nor served with copy of the award after passing of the same. The learned Judge, after noting the earlier Writ Petitions filed by the petitioner/appellant and her husband, dismissal of the same upto the level of Division Bench; and also noting that even though the Award was passed in 1983 itself, the Writ Petition came to be filed only in 1998, that is, after a period of 15 years; dismissed the same on the ground of laches.

5. Learned counsel for the appellant states that no step has been taken by the respondents between 1991 and 1998 and argues that in view of the fact that the petitioner was not served with any notice at the time of passing of the award, she cannot be blamed on the ground of laches.

6. We are unable to accept the said contention for the following reasons.

As stated earlier, it is not in dispute that the appellant herein filed W.P. No.2821 of 1983, wherein, she challenged the Notification under Section 4(1) and the Declaration under Section-6 of the Land Acquisition Act. She was not successful. The appeal filed by her was also dismissed by the Division Bench. Again, her husband challenged the very same proceedings by way of Writ Petition and that was also dismissed on 15.09.1998. In such circumstances, as rightly observed by the learned single Judge, it cannot be claimed that the appellant and her husband were not aware of the acquisition proceedings. We are in entire agreement with the conclusion arrived at by the learned single Judge.

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7. We do not find any valid ground for interference. Writ Appeal fails and the same is dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

JI.

To

1. The Secretary to
Government, Social Welfare Department,
Chennai-9.

2. The Special Tahsildar, (Adi Dravida Welfare),
Thraiyur, Trichy District.

1 cc to Govt. Pleader, Sr. 14628
1 cc to Mr.P. Srinivas Advocate, Sr. 14649

Writ Appeal No.1268/2001.

TEJ (CO)
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